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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/710,852	08/07/2004	Scott Dresden	X-9277	7986
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EXAMINER				
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3622				
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/710,852

**Applicant(s)**

DRESDEN, SCOTT

**Examiner**

AFAF AHMED

**Art Unit**

3622

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 11 August 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 26 and 30-35 is/are pending in the application.
- 4a) Of the above claim(s) 2-9, 12 and 18-25 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 26 and 30-35 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Status of Claims*

1. This action is in reply to the amendment filed on 08/11/2009.
2. Claim 26 have been amended.
3. Claim 35 have been added.
4. Claims 1, 10, 13-17 and 27-29 have been canceled.
5. Claims 2-9, 11-12 and 18-25 have been withdrawn.
6. Claims 26 and 30-35 are currently pending and have been examined.

### *Response to Applicant's Arguments*

7. Applicant's amendments and arguments filed on 08/11/2009 have been fully considered and discussed in the next section. Applicant is reminded that the claims must be given its broadest, reasonable interpretation.

8. With regard to claim 26 rejection under 35 U.S.C § 101, Applicant's amendment failed to tie the claimed invention to (1) a particular machine or apparatus (2) transform a particular article into a different state or thing. Applicant has cited the telecommunication network as an apparatus; however the citation of the telecommunication network, in claim 26 is a positive recitation of insignificant extra solution activity and it does not impose meaningful limits on the claim's scope to impart patentability. Further more; Applicant's amendment fails to transform the underlying subject matter into a different state or thing. Therefore, the rejection of claims 26 and 30-34 under 35 U.S.C § 101 is maintained.

9. With regard to claim 33 rejection under 35 U.S.C § 112 first paragraph. Applicant's amendment has failed to show and provide support for the claimed feature of *"performing the step of selecting the particular one of the plurality of vendors based on a financial range provided by the potential customer."* Applicant has pointed out and directed the Examiner to paragraph 127, which states "selecting one of said at least one vendor to produce the particular vendor of choice, wherein said particular vendor is selected based on a bidding factor, where the bidding factor further comprises availability of vendor in said category database; where the bidding factor further comprises a financial range provided by the customer (paragraph 128). However, the claimed feature is *performing the step of selecting the particular one of the plurality of vendors based on a financial range provided by the potential customer*, which Applicant's amendment has failed to provide a support for. Therefore, the rejection of claim 33 under 35 U.S.C § 112 first is maintained.

10. With regard to claims 26 and 32 rejection under 35 U.S.C § 112 second paragraph. Applicant has clarified and amended the claims. Therefore, the claims rejection under 35 U.S.C § 112 second paragraph is withdrawn.

11. With regard to claim 26 rejection under 35 U.S.C § 102 (b), Applicant's arguments have been fully considered and discussed in the next section. Applicant is reminded that the claims must be given its broadest, reasonable interpretation.

- Applicant argues that "Thornton does not relate to routing a telephone call to one of a plurality of subscribers (vendors)".

Examiner respectfully disagrees. Thornton, in at least column 10, lines 63-67 and column 11, lines 1-2 discloses an embodiment of IVR system, where the caller first heard the greeting, then asked for an extension, then listened to the extension and after listening to the extension was rerouted to a given car dealer.

- Applicant argues that "the car dealer is always selected based on the incoming access telephone number that the caller dialed or entered to make the actual telephone call".

Examiner respectfully disagrees. Thornton, in at least column 10, lines 63-67 and column 11, lines 1-2 discloses an embodiment of IVR system, where the caller first heard the greeting, then asked for an extension, then listened to the extension and after listening to the extension was rerouted to a given car dealer. Thornton also in at least column 8, lines 36-67 discloses a method of advertising that can be utilized with the IVR system to generate sales leads for automobiles as well as real estate. The id extension numbers could be used to identify particular categories of home and cars, for, (grouped by price range or particular characteristics.

- Applicant argues that Thornton teaches "that when a business has a multiple locations or stores, the call can be routed to the branch closest to the calling of the customer that made the call. The routing is performed based on the area code of the telephone number that the customer used to place the telephone call and not on information that is not obtained from a telephonic number."

Examiner respectfully disagrees. Thornton in at least column 15, lines 20-22 discloses caller redirection is accomplished by searching for the full ten digit ANI and the sponsor code of the specific mail box message. Thornton also in at least column 8, lines 24-35 and fig 3 with the associated text discloses a typical real estate advertisement that is used in conjunction with the IVR system. the ad lists the user access phone number for that particular subscriber (vendor) to enable callers to access the IVR system. in addition, each home or properties advertised is provided with its unique ID extension (other information than the telephonic number), to enable the user to access further information contained in the corresponding mailbox once connected to the IVR system.

- With regard to claim 35, Applicant argues that "Thornton does not teach routing the telephone call based on an identification code that is included in the advertisement".

Examiner respectfully disagrees. Thornton also in at least column 8, lines 24-35 and fig 3 with the associated text discloses a typical real estate advertisement that is used in conjunction with the IVR system. The ad lists the user access phone number for that particular subscriber (vendor) to enable callers to access the IVR system. in addition, each home or properties advertised is provided with its unique ID extension (other information than the telephonic number), to enable the user to access further information contained in the corresponding mailbox once connected to the IVR system.

- With regard to claims 31 and 32, Applicant argues that "Thornton does not teach routing the telephone call based at least on a geographic limitation specified by the identification code that is included in the advertisement".

Examiner respectfully disagrees. Thornton also in at least column 8, lines 24-35 and fig 3 with the associated text discloses a typical real estate advertisement that is used in conjunction with the IVR system. The ad lists the user access phone number for that particular subscriber (vendor) to enable callers to access the IVR system. in addition, each home or properties advertised is provided with its unique ID extension (other information than the telephonic number), to enable the user to access further information contained in the corresponding mailbox once connected to the IVR system. Furthermore, it seems that the Applicant has misinterpreted the Examiner's rejection which has stated that Thornton does not specifically disclose using the identification code to identify a geographic location. However, Thornton in at least column 15, lines 20-41 discloses an example for routing and redirecting the caller to the closest location to their calling area when placing a call to a business having a multiple locations or stores. Thornton also in at least column 8, lines 56-65 discloses using the ID extension numbers (identification code) to identify features of the advertisements such as homes, cars and /or particular category.

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate in light of Thornton's teaching the feature of using advertisement code identification to identify geographic location and routing a call based on the geographic code with the motivation of targeting consumers within a specified area and providing them with the appropriate services. The claimed feature is a simple substitution of Thornton's teaching of using the ID extension numbers (identification code) to identify various features within an advertisement such as homes, cars, particular category and/or location that yield the same result.

### ***Claim Rejections - 35 USC § 102***

12. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

13. Claims 26, 30 and 33-35 are rejected under 35 U.S.C. 102(b) as being anticipated by Thornton, US Pat No: 6,097,792.

As per claim 26, Thornton teaches:

- *placing an advertisement for a product or service on an advertisement medium , the advertisement including a telephonic number for contacting a vendor in order to obtain the product or service ;*
- *enabling a potential customer to place a telephone call by entering the telephonic number into a telecommunications network (see at least column 7, lines 1-10, column 8, lines 36-52 and Fig 4 with the associated text);*
- *obtaining the identification code from the telecommunications network and using the identification code to update a database, which is accessible by the particular one of the plurality of vendors, in order to obtain performance information indicating the effectiveness of the advertisement (see at least column 10, lines 1-16, column 11, lines 14-42 and column 17, lines 19-29);*
- *based on information not obtained from a telephonic number, selecting a particular one of a plurality of vendors and routing the telephone call through the telecommunications network to the particular one of the plurality of vendors (see at least column 8, lines 36-64 and column 10, lines 63-67 and column 11, lines 1-2);*

**Claim 33:**

Thornton teaches the limitations as shown above.

Thornton further teaches:

- *performing the step of selecting the particular one of the plurality of vendors based on a financial range provided by the potential customer (see at least column 8, lines 53-64);*

**Claim 34:**

Thornton teaches the limitations as shown above.

Thornton further teaches:

- *wherein the identification code is a consumer category code associated with the plurality of vendors (see at least column 8, lines 24-64, fig 3 and fig 4 with the associated text);*

**Claim 35:**

Thornton teaches the limitations as shown above.

Thornton further teaches:

- *performing the step of selecting the particular one of a plurality of vendors and routing the telephone call to the particular one of the plurality of vendors based on the identification code that is included in the advertisement (see at least column 8, lines 24-35 and fig 3 with the associated text);*

***Claim Rejections - 35 USC § 103***

14. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

15. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

16. Claims 31 and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Thornton, US Pat No: 6,097,792.

**Claims 31 and 32:**

Thornton teaches the limitations as shown above.

Thornton further teaches:

- *associating the identification code with a plurality of vendors (see at least column 8, lines 24-64, fig 3 and fig 4 with the associated text);*
- *performing the step of selecting the particular one of the plurality of vendors and routing the call to the particular one of the vendors using the identification code (see at least column 8, lines 56-65);*

Thornton does not specifically disclose:

- *using the identification code to identify a geographic location;*

However, Thornton in at least column 15, lines 20-41 discloses an example for routing and redirecting the caller to the closest location to their calling area when placing a call to a business having a multiple locations or stores. Thornton also in at least column 8, lines 56-65 discloses using the ID extension numbers (identification code) to identify features of the advertisements such as homes, cars and /or particular category.

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate in light of Thornton's teaching the feature of using advertisement code identification to identify geographic location and routing a call based on the geographic code with the motivation of targeting consumers within a specified area and providing them with the appropriate services. The claimed feature is a simple substitution of Thornton's teaching of using the ID extension numbers (identification code) to identify various features within an advertisement such as homes, cars, particular category and/or location that yield the same result.

### ***Conclusion***

17. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

18. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS from the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX Months from the mailing date of this final.

19. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Affaf Ahmed whose telephone number is 571-270-1835. The examiner can normally be reached on Monday - Friday, 8:30 am-6:00 pm est, alt Fridays off.

20. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric Stamber can be reached at 571-272-6724. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

21. Information regarding the status of an application may be obtained from the Patent Application Retrieval (PAIR) system. Status information for published applications may be obtained from either



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Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

AA

/Yehdega Retta/  
Primary Examiner, Art Unit 3622